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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/357,435	07/20/1999	WAYNE E. STEEVES	065446.0114	9252

7590
AXCESS INC
3208 Commander Drive
Carrollton, TX 75006

07/07/2003

EXAMINER

TONG, NINA C

ART UNIT PAPER NUMBER

2632

DATE MAILED: 07/07/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/357,435

Applicant(s)

STEEVES, WAYNE E.

Examiner

Nina Tong

Art Unit

2632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28-33 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-12, 14-20, 22-25 and 34-38 is/are rejected.
- 7) ☒ Claim(s) 5, 13, 21, 26 and 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2-5, 7.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Note: the missing application numbers in the specification on page 1 lines 6,9 are being provided by the Examiner as 09/357,669 and 09/357,688 respectively. Please confirm if the correction is okay.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4,6-12,14-20,22-25,34-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baumann (5,416,468) in view of Reis et al. (5,640,151).

Regarding claims 1-4,6,8-12,14,16-18,20,22-25,34,36,38, Baumann discloses a reminder system, which comprises a field monitoring device 18 (it is also considered as a tag since it is carried by the supervisor), receives signals/communication from plurality of transponder units 20 (which is inherently RFID tags – col.2 lines 1-11) mounted on the objects/persons within the monitoring field 16 or predetermined range (col.3 lines 34-38) during the set schedule. Then the device 18 processes the received signals to make certain that all signals/communication with ID codes (col.2 lines 1-11) are being from all monitories. When all signals are received (the comparing ID is inherently included here – col.2 lines 1-11), there is no alarm is provided.

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Otherwise (such as when one of the ID code from the transponder is not being received), alarm is provided or missing transponder is indicated (col.3 lines 42-58). After a preset period and the missing signal is still missing, the device 18 transmits a field monitoring report to the control facility 12.

Baumann fails to specify the claimed polling events and the plurality of primary tags.

However, it is well-known in the art of transmitting the polling signal from the interrogators 71,72...7c upon the request from the central station 40 to the tags 81-T,82-T2,8c-T, such that each tag transmits a response signal with its own ID back to the respective interrogator in the wireless communication system as shown by Reis et al.. As long as the reply messages are being transmitted from the transponders 20, employing various communication method would not constitute an inventive step but an obvious design choice. Although Baumann only mention one monitoring field, employing the same system for plurality monitoring fields, which is well-known as shown by Reis et al., would not constitute an inventive step but an obvious design choice. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the plurality of interrogator tags for transmitting polling signals upon the request from the control facility 12 to the transponders 20 in a plurality of monitoring fields for transmitting the reply messages with ID back to the respective interrogator in Baumann as taught by Reis et al. for performing the same function as desired and for providing a better system.

Regarding claims 7,15,19,37, since the system of Baumann shows the time schedule in each transponder 20 for transmitting the reply message, and since it would have been obvious to

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employ the polling communication method, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the polling event periodically generated upon a specified period of time in the above combination for performing the same as desired and for providing a better system.

Regarding claim 35, as long as the system is function the same, providing the alarm when at least one of the ID is existed instead of missing -- when the system is used in different environment, such as monitoring unauthorized items/object presence in the security area, would not constitute an inventive step but an obvious design choice. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ such a system of Baumann in different environment, such as to monitoring the unauthorized items/persons in the security area, such that the system to provide alarm when the ID is existed/checked, in Baumann for performing the same as desired and for monitoring any unwanted/unauthorized objects/persons instead of missing object/person.

Allowable Subject Matter

3. Claims 5,13,21,26,27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claims 28-33 are allowed.

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Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Otto et al. Disclosed a remote mobile monitoring and communication system.

Muhme disclosed an item removal system and method.

Cato disclosed the data processing system with RFID tags.

Ashwin disclosed a security system.

Hershey et al. disclosed a protocol and mechanism for centralized asset tracking communications.

Cannon et al. Disclosed a wireless personal electronic property reminder (Date is no good).

Narcisse disclosed an out-of-range personnel monitor and alarm.

Verma et al. Disclosed a system for locating items.

Reis et al. Disclosed a personal message system with interrogator tag communicating with a plurality of tags.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nina Tong whose telephone number is 703-305-4831. The examiner can normally be reached on Mon-Wed. (9:30 -8:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 703-308-6730. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Nina Tong
Primary Examiner
Art Unit 2632

Nina Tong
July 1, 2003

